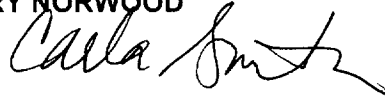


CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE BY CITY COUNCIL MEMBER MARY NORWOOD



**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES, PART 154, DIVISION IV, SECTION 154-297, TO RECOUP THE COST TO THE CITY OF ENFORCEMENT OF THE GREASE MANAGEMENT ORDINANCE; TO CLARIFY THE PERMIT PROCESS; AND FOR OTHER REASONS.**

**WHEREAS**, the City of Atlanta is responsible for the management, operation and maintenance of its sanitary and combined sewer system; and

**WHEREAS**, the City has experienced sewer overflows as a result of blockages caused by the discharge of fats, oil and grease by food service, sales and processing establishments throughout its sewer system; and

**WHEREAS**, in accordance with the First Amended Consent Decree, Grease Management Plan, the City adopted Ordinance No. 2001-5 and revised the Code of Ordinances, Part 154, Division IV, Section 154-297 to protect its sewer system from the damaging effects of the discharge of fats, oil and grease; and

**WHEREAS**, the cost of enforcement of the Grease Management Ordinance has not been fully realized since 2003; and

**WHEREAS**, revisions to the text of the ordinance should be made for clarity; and

**WHEREAS**, certain sections of the ordinance should be re-evaluated for correctness in the best interest of the City and it's Constituent

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS THE FOLLOWING:**

**Section 1.** That the Code of Ordinances, Part 154, Division IV, Section 154-297 including subsections thereof is hereby amended by rescinding the same and adopting in lieu thereof the text as show in Exhibit "A" attached hereto.

**Section 2.** That the effective date of revisions to this ordinance shall be the first day of the month of the next billing period following adoption by the Council and the approval of the Mayor.

**Section 3.** All fees collected in accordance with this ordinance shall be deposited to the following fund; 2J01 422307B00001.

EXHIBIT A

Sec. 154-297.00. **Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means any owner or agent of the owner of any food service, food sales or food processing establishment submitting an application for a Food Service Wastewater Discharge Permit to the Department of Watershed Management for consideration for approval.

*Commissioner* means the Commissioner of the Department of Watershed Management or his designee, or such person as the Mayor may designate to carry out the functions set forth herein.

*Department* means the Department of Watershed Management.

*Existing Installation* means a building or part of a building that has or has had a Food Service Wastewater Discharge Permit in the 12 calendar months proceeding and is not increasing the square footage, by means of additional square footage and/or a change of occupational use to increase existing square footage, nor is increasing seating counts.

*Facility* means a building or a location where food service, sales or processing, as defined in this section, occurs as identified by the numbering system for public streets used as directions for delivery.

*FOG* means fats, oil and grease. *Food* means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

*Food processing establishment* means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food sales store or commissary.

*Food sales establishment* means retail and wholesale grocery stores, retail seafood stores, bakeries, confectioneries, fruit, nuts and vegetable stores and places of business, and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off premises.

*Food service establishment* means any establishment for the preparation and/or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains; institutional cafeterias, catering establishments, and operations connected therewith; and similar facilities by whatever name called. The term "food service establishment" shall not mean a "food sales establishment," as defined in this division, which does not provide seating or facilities for consumption of food on the premises or does not prepare food on the premises that does not require a dishwasher.

*Fryer oil* means oil that is used and/or reused in fryers for the preparation of such foods as deep fried battered food or French fries.

*Grease* means rendered animal fat, vegetable shortening, and other such oily matter used for the purposes of and resulting from cooking and/or preparing foods.

*Grease trap* means a device or interceptor that is designed, installed and operated in accordance with the manufacturer's specifications to separate and retain fats, oils and grease from liquid waste and allow the remaining liquid waste to discharge into the City's sewer collections system.

*Mobile food unit* means a self-propelled vehicle or mounted unit intended to be used as a food service establishment and is not regulated by this division.

*New construction* means any new building or addition to an existing building that increases the existing building's footprint or square footage or any change of use that converts the use of the space from one occupancy type to an occupancy that is for a food establishment.

*Permit* means written authorization to discharge to the City's wastewater collection system granted by the Department to the owner of a facility or his/her authorized agent to operate a food service, food sales or food processing establishment and indicates satisfactory compliance with this section.

*Sampling port* means the last point downstream of a grease trap that will accommodate sampling to take place prior to the discharge of effluent to the City's sewer collection system.

*Temporary food service establishment* means a food service establishment that has no permanent sewer connection and operates at the same location for a period of time of not more than 14 consecutive days in conjunction with a single event, such as a fair, carnival, circus, exhibition or similar temporary gathering, is not regulated by this section.

*User* means, for purposes of this section, the owner or operator of a food service, food sales or food processing establishment that discharges wastewater into the City sewer section.

**Sec. 154-297.01. Food processing, sales and/or service establishment (grease trap) regulations/ new installation. New construction.**

- (a) **Permit required.** For new construction after the effective date of this section the application and full payment of fees along with plans must be submitted by owner operator (hereinafter called the "applicant ") of a food processing, sales or service establishment which discharges wastewater before the preliminary approval of a grease trap system issued by the Department of Watershed Management. Pre-approval of plans will then be routed to Bureau of Buildings within 3 business days of approval.
- (b) **Preliminary approval.** Pre-approved plans must be installed as approved by Watershed Management and inspected prior to issuance of final permit. Any deviation from pre-approved grease trap plans may result in denial of permit, penalty fee, reapplication, non-issuance of certificate of occupancy and/or suspension of business license.
- (c) **Procedure.** Upon receipt of permit tracking number, applicant shall make an appointment with grease trap official and present approvable plans, executed application for permit and fee for permit. Upon approval by City of Atlanta grease trap official, official will forward plans to Bureau of Buildings.

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|-------|------------|
| 1-5   | \$ 300.00  |
| 6-10  | \$ 600.00  |
| 11-15 | \$ 900.00  |
| 16-20 | \$1,200.00 |
| 21-25 | \$1,500.00 |
| 26-30 | \$1,800.00 |
| 31-35 | \$2,100.00 |
| 36-40 | \$2,400.00 |
| 41-45 | \$2,700.00 |
| 46-50 | \$3,000.00 |

- a. **Increase of fees.** The commissioner will evaluate these fees annually, based on the cost to the City of operation and maintenance, and adjust such fees administratively to ensure full cost recover; provided however, a fee increase of less than 10% per year shall not require approval of the City Council. Any such fee adjustment shall be posted in the office of the Municipal Clerk and permittees shall be given written notice prior to the time for renewal of annual permits.
- b. **Application.** All information requested in the food service wastewater discharge permit application shall be certified by the applicant as true and complete prior to review for approval. The application shall apply to all grease traps located at the same facility having the same street address and operated by the same owner and/or management (referred to as "user"). Each grease trap shall be identified by a unique identifier selected and noted in the application by the user. Upon approval of proposed building plans and receipt of application and payment of fee, a permit shall be issued and a date set for inspection of the installation of the grease traps.
- c. **Permit Conditions:** Permit conditions may include but are not limited to the following:
  - i. Permit Duration
  - ii. Permit Fee
  - iii. Permit Non Transfer

- iv. Frequency of inspections
- v. Pre-Treatment Requirements
- vi. Maintenance Requirements
- vii. Limitations on time or rate of discharge
- viii. Statement of indemnification of employees of the City of Atlanta to enter property without prior notification for the purpose of inspection, observation, photography, records of examination, and copying, measurement, sampling, or testing; and or
- ix. Other conditions deemed necessary by the commissioner to ensure compliance with this article or other applicable ordinances, laws or regulations

d. **Denial of Permit** If inspected grease trap is not approved because of failure to install pre-approved plans as submitted to the Department of Watershed Management, an inspection request form must be resubmitted to the Department of Watershed Management Commissioner or designee along with a re-inspection fee of one-hundred (\$100.00) dollars per each trap shall be charged, in addition to any fines that may be imposed by the courts for any other violations as provided in this section.

- i. Notification; the applicant will be advised in writing the specific cause of the denial; applicant within 1 business day from time of inspection by electronic communication to applicant of record and within 7 business days by Certified U.S. Postal Service to applicant of record.
- ii. Process: Applicant who is denied a permit under this article must submit a written appeal to the Commissioner or Watershed Management or designee and the Mayor or designee within 3 business days of receipt of USPS Certified Mail.

(2) **Grease Trap Requirements.** All food service sales and processing establishments, shall install, operate and maintain a sufficiently sized grease trap necessary to achieve and maintain compliance with the First Amended Consent Decree as indicted previously with the minimum of two fifteen hundred gallon grease traps with the following exceptions:

- a. Limited Space Available to Install Outside Grease Traps.
  - i. Commissioner may approve the installation of 1 1500 gallon grease trap where site conditions prevent the installation of 2 1500 gallon grease traps and series
  - ii. Seating capacity of 100 persons or less. The commissioner may approve the installation of a 1500 gallon grease trap or less
  - iii. In an office environment break rooms which are expressly for the use of employees but has a dishwasher may be approved without a grease trap by the commissioner or designee.
  - iv. Indoor grease trap. Commissioner may approve the installation of indoor grease traps provided the establishment is not equipped with a dishwasher and/or

v. **No Grease Trap.** Commissioner may approve no installation of a grease trap in cases such as gas stations, bars without food, vending machine areas, and other like establishments.

i. Wastewater with a temperature higher than 140 degrees Fahrenheit

- iii. Acid or caustic trap cleaners

**Sec 154-297.02. Food Service establishment (grease trap) regulations/existing installations**

(b) **Non-grandfathered Conditions.** If during applicants plan review, it is determined by Commissioner or designee that the existing grease traps do not meet current standards, user must replace or retrofit grease traps to meet current standards and resubmit application under guidelines for new construction set forth in Sec 154-297.01. Refer to Recommended Grease Trap Design attached to this ordinance.

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| 1-5   | \$ 300.00  |
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| 21-25 | \$1,500.00 |
| 26-30 | \$1,800.00 |
| 31-35 | \$2,100.00 |
| 36-40 | \$2,400.00 |
| 41-45 | \$2,700.00 |
| 46-50 | \$3,000.00 |

For each 5 additional grease traps in excess of 50 traps, the maximum fee shall be increased by \$300.

- (2) **Fee Increase.** The commissioner will evaluate these fees annually, based on the cost to the City of operation and maintenance, and adjust such fees administratively to ensure full cost recover; provided however, a fee increase of less than 10% per year shall not require approval of the City Council. Any such fee adjustment shall be posted in the office of the Municipal Clerk and permittees shall be given written notice prior to the time for renewal of annual permits.
- (3) **Application.** All information requested in the food service wastewater discharge permit application shall be certified by the applicant as true and complete prior to review for approval. The application shall apply to all grease traps located at the same facility having the same street address and operated by the same owner and/or management (referred to as "user"). Each grease trap shall be identified by a unique identifier selected and noted in the application by the user. Upon approval of proposed building plans and receipt of application and payment of fee, a permit shall be issued and a date set for inspection of the installation of the grease traps.
- (4) **Permit Conditions:** Permit conditions may include but are not limited to the following:
  - i. Permit Duration
  - ii. Permit Fee
  - iii. Permit Non Transfer
  - iv. Frequency of inspections
  - v. Pre-Treatment Requirements
  - vi. Maintenance Requirements
  - vii. Limitations on time or rate of discharge
  - viii. Statement of indemnification of employees of the City of Atlanta to enter property without prior notification for the purpose of inspection, observation, photography, records of examination, and copying, measurement, sampling, or testing; and or
  - ix. Other conditions deemed necessary by the commissioner to ensure compliance with this article or other applicable ordinances, laws or regulations
- (5) **Denial of Permit** If inspected grease trap is not approved because of failure to install pre-approved plans as submitted to the Department of Watershed Management, an inspection request form must be resubmitted to the Department of Watershed Management Commissioner or designee along with a re-inspection fee of one-hundred (\$100.00) dollars per each trap shall be charged, in addition to any fines that may be imposed by the courts for any other violations as provided in this section.
  - i. **Notification;** the applicant will be advised in writing the specific cause of the denial; applicant within 3 business days from time of inspection by electronic communication to applicant of record and within 7 business days by Certified U.S. Postal Service to applicant of record.

- ii. **Process:** Applicant who is denied a permit under this article must submit a written appeal to the Commissioner or Watershed Management or designee and the Mayor or designee within 3 business days of receipt of USPS Certified Mail.

(c) **Grease Trap Requirements.** All food service sales and processing establishments, shall install, operate and maintain a sufficiently sized grease trap necessary to achieve and maintain compliance with the First Amended Consent Decree as indicated previously with the minimum of two fifteen hundred gallon grease traps with the following exceptions:

- i. Limited Space Available to Install Outside Grease Traps Commissioner may approve the installation of one 1500 gallon grease trap where site conditions prevent the installation of two 1500 gallon grease traps in series.
- ii. Seating capacity of 100 persons or less. The commissioner may approve the installation of a 1500 gallon grease trap or less
- iii. Break rooms. In an office or business environment, break rooms which are expressly for the use of employees but have a dishwasher may be approved without a grease trap by the commissioner or his designee.
- iv. Indoor grease trap: Commissioner may approve the installation of indoor grease traps provided the establishment is not equipped with a dishwasher and /or disposal. All indoor traps shall be sized or installed with the following tables, I, II, and III which have been extracted from plumbing and draining standards PDI-60101 testing and rating procedure for grease trap interceptors with appendix of sizing and installation data, 1996 or as updated from time to time.
- v. No Grease Trap. Commissioner may approve no installation of a grease trap in cases such as gas stations, bars without food, vending machine areas, and other like establishments.

(d) It is prohibited to discharge the following materials into an indoor grease trap:

- i. Wastewater with a temperature higher than 140 degrees Fahrenheit
- ii. Wastewater discharge from discharge
- iii. Acid or caustic trap cleaners
- iv. Waste water discharge from garbage disposal